

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EARL COFIELD, et al.

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Plaintiffs

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vs.

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CIVIL ACTION NO. MJG-99-

3277

LEAD INDUSTRIES ASSOCIATION,
INC., et al.

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Defendants

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FIRST CASE MANAGEMENT ORDER

The Court, having held a hearing and conferred with counsel regarding the management of the above captioned case, issues the instant Order.

A. Liaison Counsel

1. Plaintiffs' Liaison counsel shall be Ronald E. Richardson, Esquire, Law Offices of Peter G. Angelos, One Charles Center, 100 N. Charles Street, Baltimore, Maryland 21201-3812, tel. 410-649-2000, 800-252-6622, fax 410-649-2112, email Rrichardson@lawpga.com.

- a. Unless and until any Plaintiff is represented by counsel from a law firm other than the Offices of Peter Angelos, Plaintiffs' Lead Counsel shall be responsible for all actions necessary to represent Plaintiffs.
- b. The Court will consider replacement of Mr. Richardson as Plaintiffs' Liaison Counsel upon the request of any attorney representing a Plaintiff.

2. Defendants' Liaison Counsel shall be J. Hardin Marion, Esquire, Tydings & Rosenberg, LLP, 100 East Pratt Street, Baltimore, Maryland 21202, tel. 410-752-9700, fax 410-727-5460, email hmarion@tydingslaw.com.
 - a. Defendants' Liaison Counsel is authorized to receive orders, notices, correspondence, telephone calls from the Court and the Clerk of the Court on behalf of all Defendants.
 - b. Defendants' Liaison Counsel will communicate and coordinate with Plaintiffs' Liaison Counsel regarding all filings and scheduling matters.
 - c. The Court will consider replacement of Mr. Marion as Defendants' Liaison Counsel upon the request of any attorney representing a Defendant.
3. The Court shall, usually, direct its communications regarding the case to Liaison Counsel for dissemination to, and coordination with, other counsel.
4. The Court shall place its Orders and other significant communications in the case on the Court's Website, www.mdd.uscourts.gov¹, proceed to Resources, Published Opinions, Lead Paint Class Action.

B. Discovery

1. Discovery, except as may be agreed by the parties, shall be stayed until May 1, 2000.
2. Merits Discovery

¹ If there are problems connecting with the Court's web site, counsel may contact Mr. John Cerino at the Clerk's Office.

- a. The parties may undertake merits discovery prior to the ruling on class certification.
 - b. The parties will, however, be afforded a reasonable time for merits discovery after the ruling on class certification.
3. Class Certification Discovery
- a. Class certification discovery shall be completed by December 31, 2000.
 - b. Except as may be permitted for good cause shown, there shall be no depositions of putative class members.
 - (1) The Court expects the parties to stipulate to all nondebateable facts (as distinct from conclusions) regarding putative class members.
 - (2) There is no prohibition against an otherwise permissible deposition merely because the deponent happens to be a putative class member.
 - c. By May 1, 2000, Plaintiff will provide Defendants with executed authorizations for the release of applicable housing, home ownership, deed, property acquisition and transfer, settlement, insurance, maintenance and painting records.
 - (1) Plaintiffs shall cooperate as required to enable Defendants to obtain such records expeditiously.
 - (2) One copy of all such records obtained by Defendants shall be provided to Plaintiffs' counsel.
 - d. By June 9, 2000,

- (1) Defendants shall serve on consolidated set of class certification interrogatories and one set of background interrogatories per class plaintiff;
 - (2) Plaintiffs shall respond within 30 days of service.
- e. By July 21, 2000, Plaintiffs shall:
- (1) Provide the identity of all fact and expert witnesses regarding class certification.
 - (2) Provide Rule 26(a)(2) information as to each expert witness.
 - (3) Provide dates within 90 days on which each witness is available for deposition so that depositions can be taken.
- f. By September 1, 2000, Defendants shall:
- (1) Provide the identity of all fact and expert witnesses regarding class certification.
 - (2) Provide Rule 26(a)(2) information as to each expert witness.
 - (3) Provide dates within 90 days on which each witness is available for deposition so that depositions can be taken.

C. Motions

1. There is no stay of motion practice during the class certification process.
2. Any motions to dismiss the Amended Complaint shall be filed by April 21, 2000.

- a. Responses shall be filed by May 24, 2000.
- b. Replies shall be filed by June 9, 2000.
- c. Any Sur-Reply may be filed by June 24, 2000.
- d. If necessary, a hearing shall be scheduled by further order.

D. CLASS CERTIFICATION PROCESS

- 1. Plaintiffs shall file a motion for class certification by March 1, 2001.
- 2. Defendants shall respond by May 1, 2001
- 3. Plaintiffs shall reply by June 1, 2001.
- 4. Defendants may file a Sur-Reply by July 1, 2001.
- 5. If necessary, a hearing shall be scheduled by further Order.
- 6. Defendants shall be given a reasonable time to file third-party and cross-claims after the ruling on class certification.

SO ORDERED this 12th day of April, 2000.

Marvin J. Garbis
United States District Judge